

OCT 27 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUIS ENRIQUE BOJORQUEZ-SOTO,

Defendant - Appellant.

No. 08-10473

D.C. No. 4:07-CR-01256-CKJ

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona

Cindy K. Jorgenson, District Judge, Presiding

Submitted October 13, 2009^{**}

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Luis Enrique Bojorquez-Soto appeals from the 87-month sentence imposed following his guilty-plea conviction for possession with intent to distribute

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

cocaine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii)(II). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Bojorquez-Soto contends that the district court violated Federal Rule of Criminal Procedure 32 by failing to rule on a disputed fact in the presentence report. The record reflects that the district court sufficiently resolved the dispute. *See United States v. Kartermann*, 60 F.3d 576, 583 (9th Cir. 1995).

AFFIRMED.